

# EXHIBIT 12

**From:** Park, Ryuk <RPark@winston.com>  
**Sent:** Friday, August 25, 2023 5:35 PM  
**To:** Zhao, Yanan  
**Cc:** Winston-Micron-Netlist; Wesley Hill; andrea@wsfirm.com; ce@wsfirm.com; #Netlist-Micron [Int]; Jennifer Truelove (jtruelove@McKoolSmith.com); Strabone, Andrew  
**Subject:** RE: Netlist v. Micron, No. 22-cv-203 (E.D. Tex.) | Deposition Notices and Schedules

Yanan,

**(1) Micron's updated 30(b)(6) designations**

Witness	Designation
Rob Beal	37, 40, 41, 42, 43, 44, 46, 47, 48, 58, 59, 63
Scott DeBoer	2, 3, 4
Boe Holbrook	1, 5, 14, 15, 16, 17, 18, 19, 20, 21, 23, 24, 25, 26, 67, 80, 89
Brent Keeth	28, 67 (HBM only), 80 (HBM only)
Tyler Morton	29, 38, 39, 49, 50, 51, 52
Frank Ross	23, 24, 25, 26, 82, 83, 86
Roman Royer	1, 6, 7, 8, 9, 10, 11, 12, 13, 67, 80, 89
Dave Westergard	61, 62, 71, 72, 76, 77, 81, 87

**(2) Deposition Dates**

Scott DeBoer is available on September 7, 2023. We also previously proposed September 20, 2023 for Rob Beal. Please let us know if these dates work for Netlist. We are still confirming dates for the other 30(b)(6) witnesses.

Please provide dates for Netlist's witnesses, including C.K. Hong, Gail Sasaki, Chi-She Chen, and Jeffrey Solomon.

**(3) Micron's Objections to Netlist's Deposition Notice for Miki Matsumoto and unnamed employee from "Munich Center"**

Micron objects to these notices as improper and cannot agree to present these individuals for deposition. These notices seek the depositions of individuals who are not employees of the defendants in this case. Netlist's 30(b)(1) notice seeking the deposition of an unnamed individual working in Micron's [REDACTED]

[REDACTED] As you know, neither of these entities is a named defendant and these individuals are not officers, directors, or managing agents (let alone employees) of a named defendant. A federal court cannot command a non-party witness to attend a deposition more than 100 miles from where the person resides, is employed, or regularly transacts business in person, let alone from outside the United States. Netlist has not invoked any international treaty or convention to obtain the depositions of these two non-party foreign individuals. Moreover, these depositions are unnecessary. Micron has identified U.S. based employees knowledgeable about the accused products and who will testify as corporate representatives. Netlist has already taken or noticed the depositions of these individuals. Please confirm that Netlist will withdraw these notices.

**(4) Netlist's Deposition Notice of Christopher Morzano and Malcolm Humphrey**

As we have previously informed you, Malcolm Humphrey is no longer with Micron, and Micron has identified and designated Tyler Morton to testify on relevant topics. Micron has also confirmed that it will not be calling Malcolm Humphrey at trial. In light of the foregoing, please confirm that Netlist will withdraw its notice for Mr. Humphrey.

Christopher Morzano is knowledgeable regarding Micron's Hybrid Memory Cube ("HMC") products. Given that Netlist has already deposed Brent Keeth on the same topics that Mr. Morzano is knowledgeable about, and given that Micron will not be calling Mr. Morzano at trial, please confirm that Netlist will withdraw its notice for Mr. Morzano.

Ryuk

**Ryuk Park**

**Of Counsel**

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**From:** Zhao, Yanan <[yzhao@irell.com](mailto:yzhao@irell.com)>

**Sent:** Friday, August 25, 2023 8:06 AM

**To:** Park, Ryuk <[RPark@winston.com](mailto:RPark@winston.com)>

**Cc:** Winston-Micron-Netlist <[Winston-Micron-Netlist@winston.com](mailto:Winston-Micron-Netlist@winston.com)>; Wesley Hill <[wh@wsfirm.com](mailto:wh@wsfirm.com)>; andrea@wsfirm.com; ce@wsfirm.com; #Netlist-Micron [Int] <[Netlist-Micron@irell.com](mailto:Netlist-Micron@irell.com)>; Jennifer Truelove ([jtruelove@McKoolSmith.com](mailto:jtruelove@McKoolSmith.com)) <[jtruelove@mckoolsmith.com](mailto:jtruelove@mckoolsmith.com)>; Strabone, Andrew <[AStrabone@irell.com](mailto:AStrabone@irell.com)>

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Counsel, following up on the email below. When will you provide a response?

Best,  
Yanan

**Yanan Zhao**

*Associate*

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**From:** Zhao, Yanan

**Sent:** Tuesday, August 22, 2023 1:09 PM

**To:** Park, Ryuk <[RPark@winston.com](mailto:RPark@winston.com)>

**Cc:** Winston-Micron-Netlist <[Winston-Micron-Netlist@winston.com](mailto:Winston-Micron-Netlist@winston.com)>; Wesley Hill <[wh@wsfirm.com](mailto:wh@wsfirm.com)>; andrea@wsfirm.com; ce@wsfirm.com; #Netlist-Micron [Int] <[Netlist-Micron@irell.com](mailto:Netlist-Micron@irell.com)>; Jennifer Truelove ([jtruelove@McKoolSmith.com](mailto:jtruelove@McKoolSmith.com)) <[jtruelove@mckoolsmith.com](mailto:jtruelove@mckoolsmith.com)>; Strabone, Andrew <[AStrabone@irell.com](mailto:AStrabone@irell.com)>

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